

AMENDMENT UNDER 37 C.F.R. § 1.114(c)
U.S. APPLICATION NO. 09/740,952
ATTORNEY DOCKET NO. Q62246

REMARKS

Applicants thank the Examiner for acknowledging Applicants' claim to foreign priority, and for indicating that the certified copy of the priority document, European Patent Application No. 99403269.6 dated December 23, 1999, has been made of record in the file.

Claims 1-3 and 5-18 have been examined on their merits.

Applicants herein cancel claims 9 and 18 without prejudice and/or disclaimer.

Claims 1-3, 5-8 and 10-17 are all the claims presently pending in the application.

1. Claims 1-3 and 5-18 stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by T. Itao and M. Matsuo, *DANSE: Dynamically Adaptive Networking Service Environment*, IEEE, Vol. 2, Nov. 1998, pgs. 785-791 (hereinafter "DANSE"). The rejection of claim 9 and 18 is now moot due to their cancellation. Applicants respectfully traverse the rejection of claims 1-3, 5-8 and 10-17 for at least the reasons discussed below.

DANSE fails to teach or suggest a processing environment determining device that retrieves processing capability information from network elements to provide a processing environment between the network elements according to predefined rules, conditions and the retrieved processing capability, as recited in claim 1. DANSE discloses, *inter alia*, the construction of a service environment that satisfies a particular user's needs. The service environment is constructed by searching for the functional units that reflect the user's need and a selected service template. *See, e.g.*, § 4.3, pgs. 787-88. In contrast to the present invention, however, DANSE does not teach or suggest determining a processing environment for a service

to be set up between two elements based on predefined rules, conditions and the respective processing capability information of the two elements. DANSE is silent with respect to the creation of a processing environment based on the processing capability of the elements and the predefined service to be established therebetween. Instead, DANSE discloses searching for other functional elements that can fulfill a desired service profile, instead of determining a processing environment that is based on the processing capability of two elements (between which a predefined service is established). Thus, Applicants submit that there is no teaching or suggestion in DANSE of the creation of a processing environment based on the processing capabilities of network elements with a predefined service therebetween.

Based on the foregoing reasons, Applicants submit that DANSE fails to teach or suggest all of the claimed elements as arranged in claim 1. Thus, Applicants submit that claim 1 is allowable, and further submit that claims 2, 3 and 5-8 are allowable as well, at least by virtue of their dependency from claim 1. Applicants respectfully request that the Patent Office withdraw the § 102(b) rejection of claims 1-3 and 5-8.

With respect to independent claim 10, Applicants submit that claim 10 is allowable for at least reasons analogous to those discussed above with respect to claim 1, in that DANSE fails to teach or suggest a method for retrieving processing capability information from network elements to provide a processing environment between the network elements according to predefined rules, conditions and the retrieved processing capability. Thus, Applicants submit that claim 10 is allowable, and respectfully request that the Patent Office withdraw the § 102(b) rejection of claim 10.

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With respect to independent claim 11, Applicants submit that claim 11 is allowable for at least reasons analogous to those discussed above with respect to claim 1, in that DANSE fails to teach or suggest a processing environment determining means that retrieves processing capability information from network elements to provide a processing environment between the network elements according to predefined rules, conditions and the retrieved processing capability. Thus, Applicants submit that claim 11 is allowable, and further submit that claims 12-17 are allowable as well, at least by virtue of their dependency from claim 11.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

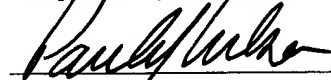
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Date: May 4, 2005